

Q7 45. (Amended) The method of claim 1, further comprising engaging a stop mechanism with at least one interior wall of the coronary vessel.

REMARKS

Applicant submits this Amendment along with a Response to the Restriction and Election of Species Requirements set forth in the Office Action dated January 23, 2003. Applicant respectfully requests that the Examiner consider this Amendment prior to examining this application on the merits. This Amendment amends claims 1, 6, 10, 30, 32, 43, and 45, but does not cancel any claims. Accordingly, claims 1-88 are still pending in this application.

Applicant attaches hereto an Appendix presenting marked-up version of the claims showing the changes made by this Amendment. Deletions appear as normal text surrounded by [] and additions appear as underlined text.

In the Office Action dated January 23, 2003, the Examiner required a restriction under 35 U.S.C. § 121 to one of the following allegedly patentably distinct inventions:

- I. Claims 1-65, characterized by the Examiner as being drawn to a method of providing direct blood flow between a heart chamber and a coronary vessel;
- II. Claims 66-71, characterized by the Examiner as being drawn to a measuring device;
- III. Claims 72-86, characterized by the Examiner as being drawn to a device for placing a stent in a heart wall; and
- IV. Claims 87 and 88, characterized by the Examiner as being drawn to a device for placement in a passageway between a heart chamber and a coronary vessel.

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Also in the Office Action, upon election of Group I above, the Examiner required an election of species under 35 U.S.C. §121 of one of each of the following species of "passageway formation" and "stent delivery":

A. Passageway Formation:

- 1) Sheath;
- 2) Balloon of Single-Balloon Catheter; and
- 3) Balloon of Double-Balloon Catheter;

and

B. Stent Delivery:

- 1) Balloon of Single-Balloon Catheter; and
- 2) Balloon of Double-Balloon Catheter.

Applicant does not agree with the various assertions and characterizations regarding the claims and the allegedly patentably distinct claim groups and species set forth in the Office Action. Nevertheless, to expedite prosecution of this application, Applicant provisionally elects to prosecute Group I, claims 1-65 and to prosecute species A.2 and B.1.

In addition to electing one of each of the species listed in Species A and Species B, the Examiner required Applicant to list the claims "readable on" the elected species. The Examiner also indicated that no claims are generic.

At least claims 1, 2, 4-7, 9-25, 27-33, 43-58, and 62-65 of Group I are readable on the elected species A.2 and B.1. Contrary to the Examiner's assertion that no claim is generic, however, at least claims 1, 2, 6, 7, 10-25, 30-33, and 43-45 are generic claims readable on all the species and subspecies of Group I. Further, at least claims

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4, 5, 27-29, 46-58, and 65 are generic to both the single-balloon catheter and double-balloon catheter of Species B. Applicant understands that upon the allowance of a generic claim, any nonelected claims depending from that claim or otherwise including the limitations of that claim will be rejoined and also allowed.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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APPENDIX

This Appendix is being provided in accordance with the provisions of 37 C.F.R. § 1.121(c)(1)(ii). This Appendix is not intended to form part of the application.

Amendments to the Claims:

1. (Amended) A method of providing direct blood flow between a heart chamber and a coronary vessel, the method comprising the steps of:

 placing a guide device through an anterior wall and a posterior wall of the coronary vessel and through a heart wall between the heart chamber and the coronary vessel;

 forming a passageway in the heart wall at a location defined by the guide device;

and

 [delivering] expanding a stent within the passageway [via the guide device].
6. (Amended) The method of claim 1, wherein the stent is a collapsible stent [and delivering the stent in the passageway includes expanding the stent].
10. (Amended) The method of claim 7, wherein the second mechanism includes a stop mechanism and [the delivering the stent includes] wherein the method further comprises advancing the stent within the passageway until the stop mechanism engages one of a wall of the coronary vessel and a surface of the heart wall.

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30. (Amended) The method of claim 1, wherein [delivering] expanding the stent includes [delivering] expanding the stent with an expansion device.
32. (Amended) The method of claim 31, wherein the inflation device is a balloon that carries the stent, and expanding [placing] the stent includes inserting the balloon and the stent within the passageway and inflating the balloon.
43. (Amended) The method of claim 1, [wherein the delivering of the stent includes] further comprising advancing the stent within the passageway until a stop mechanism engages the posterior wall of the coronary vessel.
45. (Amended) The method of claim 1, [wherein delivering the stent includes] further comprising engaging a stop mechanism with at least one interior wall of the coronary vessel.

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